

Affidavit

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I, Rodenick ~~Donald~~ Moore, A# 146,853 being
 First duly sworn in the present of a Notary Public dojose
 And SAY:

U.S. DISTRICT COURT
 MIDDLE DISTRICT ALA

That I'm over the age of twenty one (21) yrs of age,
 that I'm presently incarcerated at Bibb County Correctional
 Facility 505 Bibb Lane, Brent, ALA. 35034.

That on or about or about 3-9-95 I was sentenced
 on ESCAPE II and received a 15 yr split 2 yrs; Prior
 to receiving the new sentence I was already serving
 a 20 yr sentence from Jefferson Co. with a parole date
 for 1-96.

That upon being interviewed for parole at Donald-
 son Coll. Fac in Oct. 95 by the Prisoner Coordinator
 for that region Mr. La Vert informed me that the
 Board would not consider release until the full term of
 the split was honored.

A new hearing date was then reset from the original
 hearing date of 1-96 to 1-97 but was again reset
 for 12-97 and parole was granted thereafter to follow
 release 1-98.

That on or about 1-26-98 I was paroled and released
 after serving the full term of the split as
 ordered by Judge Eugene AEESE of the Marq. Co.
 Circuit Court to begin on 3/09/95

That on or about 5/10/98 the Plaintiff was
 REARRESTED on a new charge of RECEIVING stolen
 property I and declared delinquent.

That on or about 6-05-98 I was sentenced to 15 yrs
to run concurrent with the escape time and the rest of
PROPERTY time, twenty years and all other cases.

That on or about 6-98 I was return back to the
A.D. O.C. k. lby Conn Fac. And THEREAFTER to Foundation
Co. Fac. on or about 1-99 I was transferred to
Bullock Conn Fac.

That on or about 7-7-03 I was granted PAROLE
and ordered RELEASED.

That after dressing out and seeing Warden Price
for RELEASE I was stop and told by Warden Price
that she had receive an order from A.D.O.C. Legal
Division of Ceykel Record per Kathy Holt who is
in her official capacity, Asst. Director in the legal
division as Corrections Records Director, "to cancel
my RELEASE pending additional time to be served on
Split."

That after contacting Mrs Howard my classification
supervisor I was told that a new policy had been
implemented concerning split sentences which states
"that if you got a consecutive split sentence you must
REMAIN until completion of the split sentence.

I vehemently tried to explain to Mrs Howard that I
had already completed the 2yr portion of my split in
January of 1998, she did nothing to aid or assist
in trying to contact the proper authority to rectify
the problem at hand before her.

That Warden Price who in her official capacity as

AS STEWARD AND LEGAL GUARDIAN OVER EVERY INMATE AT BIBB CO. CORR FAC. DOES HAVE THE AUTHORITY AND POWER TO CONSULT, CONTACT AND APPEAL TO THE COMMISSIONER WHO IS THE HEAD MAN IN CHARGE OVER LUCY PRISON HOUSING INMATES IN THIS STATE OF ALABAMA AND GOVERNOR IF WARRANTS ARE ISSUED TO RECTIFY AN INMATE SERVING TIME BEYOND THE DATE UPON WHICH HE OR SHE HAS BEEN SENTENCED.

She just simply did nothing but aid and abet with malice to deny me my freedom in violation of the 14th & 8 AMENDMENT & THE CONSTITUTION OF THESE UNITED STATES.

Mrs Howard primary function is to assist and aid every inmate on her case load who could have in her official capacity as a Classification Steward sought help to rectify me having to do additional time twice on the same sentence but instead chose to be complicit with WARDEN PRICE, Director Kathy Holt and Commissioner Cambell now residing Richard Allen in violation of my constitutional right under the 14th & 8 Amendment to deny me my RELEASED.

WARDEN PRICE, Director Kathy Holt and Commissioner Cambell now residing Richard Allen and Mrs Howard are all complicitly the Embodiment of A.D.O.C. Administratice Prison System of Management and all share in the responsibility of ensuring that no one is detained after serving his or her sentence.

In the Central Office of Central Alabama's Legal Division it is the duty and responsibility of the Director and/or Assistant Director ~~to~~ to keep record and monitor the time served and to be served of each inmate in the Alabama prison system. Such function is of Mrs. Kathy Hall who is ^{now} ~~in~~ ^{official} capacity Corrections Records Director. She knew according to her records that I had completed the split portion of my 3-9-95 15 split 2 yrs sentence after being paroled and RELEASED in January of 1998 because it was common practice by her own admission that this was the way the A.D.U.C honored split sentence consistency with the policy of the parole Board prior to 7-2-2003.

I swear beyond penalty of perjury that
EVERYTHING STATED IN THIS AFFIDAVIT IS TRUE TO THE
BEST OF MY KNOWLEDGE.

Done this 23rd M^o 1909

2006

Respectfully Submitted
Robert W. Moore

Sworn and Subscribed before me
Alexander A. Toney

5/17/2010

Supporting Claim and Brief

Kathy Holt, Cheryl Price, Donald Campbell now (Richard Allen) and Mr. Howard is being sued in Violation of Plaintiff Constitutional Rights of the 14th 8th Amend. of these United States in their individual capacity.

They ARE OR WERE ALL AWARE OF THE FACT THAT AN OBVIOUS ERRONEOUS MISTAKE WERE BEING MADE BUT CLEARLY CHOSE TO BE DELIBERATELY INDIFFERENT BY DOING NOTHING TO HELP CARE THE DEFECT IN VIOLATION OF THE 14th 8th AMEND. SEE ALEXANDER V. PERRELL 918 F2d 1392 (9th Cir 1990)

Prison officials who ARE UNDER DUTY TO INVESTIGATE CLAIMS OF COMPUTATIONAL ERRORS IN CALCULATION OF PERSON SENTENCES MAY BE FAULT FOR FAILING TO DO SO WHEN REASONABLE REQUEST IS MADE.

THEY ARE OR WERE ALL AWARE OF THE FACT THAT THE PLAINTIFF HAD SERVE HIS SENTENCE BY HIS RELEASE IN JANUARY OF 1998 BUT ALL CONSPIRED TO KEEP THE PLAINTIFF INCARCERATED AN ADDITIONAL 2 yrs base on A NEW POLICY FROM HIS PAROLE BOARD THAT SHOULD HAVE EFFECTED HIS PLAINTIFF RELEASE ON THE 7-7-03.

The Plaintiff contends that the letter from Bill Segrest Executive Director of the Parole Board sent to Betty League

is unauthentic & insufficient to establish that Mr. Segrest posted such a draft.

The Plaintiff contends that what is authentic is the memorandum sent to Bibb County Correctional Facility by Kathy Holt Assistant Director of Central Office ordering a stop to the Plaintiff's release on 7-2-03 which is in violation of the 14th Amendment of cruel and unusual punishment for his sentence to be served twice per terming & the split portion of his March 9, 1995 15yr. 2yr split that she knew had been broken and served from 3-9-95 until January 1998 per practice of the A.D. O.C. and Alabama Parole Board, prior to 7-2-2003. Cathoun v. New York State D.S. of Parole Officers 999 F2d 647 (2nd 1993)

Under both the process clause and state law, inmate has liberty interest in being released upon expiration of his other maximum term of imprisonment since inmate parole grantee has "liberty interest" in being released from prison as soon as possible. It surely follows that he also has liberty interest in being set free at end of his term.

The Plaintiff contends that because he was forced to serve his split portion twice that he was

subjected to cruel and unusual punishment by all the
Defendants in their individual capacity and official capacity
in violation of the 8th Amend to the Cons. of the U.S.
588 Samp v. Negs 885 F2d 1099 (3rd Cir. 1989)

Imprisonment beyond one's term constitutes
cruel and unusual punishment.

The Plaintiff contends that the memorandum sent
to the Bells Correctional Fac to stay the release of the Plaintiff
was intentional and without the consent of the Plaintiff
to honor which subjected the Plaintiff to ~~the~~ im-
prisonment. In violation of his 198th Amend.

The Plaintiff is suing Ms Kathi Hilt in her individual
capacity and all the other defendant who works complicitly
with her to stay the plaintiff's release of 7-7-03.

Naugh v. PEARCE 954 F2d 1470 (9th Cir 1992)

To impose liability on local governmental entity
for failing to act to preserve constitutional rights
in 1983 plaintiff must establish: that he possessed
constitutional right of which he was deprived; that
municipal had a policy; that this policy amounted to
deliberate indifference to plaintiff constitutional right;
and that policy was moving force behind constitutional
violation.

Conclusion

THE PLAINTIFF AVERS THAT PAROLE AND PROBATION BOARD
IS A SEPARATED STATE GOVERNMENT AND FUNCTIONS
FROM THAT OF THE A. D. C.

THE PLAINTIFF contend that because of the practice
of PAROLE & PROBATION BOARD AND THE A. D. C. is consist-
ENCE WITH THE SPLIT TEAM'S WEATHER CONSULTATION OR
CONCURRENT IT WAS JUST THE WAY BUSINESS WAS DONE.

THE ONE PERSON THAT KNEW THIS MORE THAN ANYONE WAS
MRS KATHY HOLT AND SHE IS LIABLE FOR FAILING TO
RELEASE THE PLAINTIFF IN JULY OF 2003.

PLAINTIFF THAT ALL THE OTHER DEFENDANT IS LIABLE
UNDER COLOR OF STATE LAW IN THEIR INDIVIDUAL
CAPACITY FOR ALL INJURY SUFFERED.

THE PLAINTIFF HAS SUFFERED A DEPRIVATION OF HIS
LIBERTY FOR 24 MONTH AND MONTHS AND IS MOTIVATED
BY AQUISITION VIOLATION OF THE 8TH & 14 AMEND TO CONST.
OF THE U. S.

WHEREBY THE PLAINTIFF IS ASKING FOR 150.000
FROM EACH DEFENDANT IN HIS INDIVIDUAL CAPACITY
FOR COMPENSATORY & PUNITIVE DAMAGES.

Certificate of Service

I certify that I have sent a copy of the following to the following by way of first class postage to:

Done this the 3rd of JUNE 2006

Respectfully submitted
Rockne L. Moore #196853
Rockne Moore

GENERAL COUNSEL / Deputy Attorney Gen.

Tim G Thomas

Assistant Attorney Gen.

TARA S. KNEE
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